

ATTACHMENT E

JANUARY 28, 2019 REQUEST FOR EXECUTIVE LEVEL DISCUSSION

January 28, 2019

Michael J. Schafer, Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101-1179

Re: Access to PPL Poles

Dear Mr. Schafer:

Our firm represents MAW Communications, Inc. (“MAW”). As you know, since 2016, MAW and PPL Electric Utilities Corporation (“PPL”) have engaged in numerous discussions in an attempt to resolve their dispute concerning MAW’s attempts to attach facilities to PPL’s poles and PPL’s refusal to process MAW’s pending pole attachment applications or to allow MAW to maintain or modify its facilities currently attached to PPL’s poles. The dispute is currently the subject of a breach of contract lawsuit filed by PPL in the Court of Common Pleas of Lehigh County, Pennsylvania against MAW and its principal, Mr. Frank Wiczkowski.

In an attempt to resolve the parties’ dispute, the parties have met on numerous occasions and have engaged in executive-level discussions. MAW has made several good faith offers and taken several other steps in an attempt to settle the dispute between the parties, which attempts PPL has rejected. Furthermore, MAW’s customer, the City of Lancaster, even attempted to help resolve the disputed issues between MAW and PPL by engaging in a mediation supervised by the Federal Communications Commission (“FCC”), but PPL expressed its unwillingness to participate in FCC mediation. While MAW and PPL reached an initial stipulation in the court proceeding, memorialized in December 2017, as PPL is well aware, that stipulation was dissolved and numerous issues remain unresolved between the parties. Over a year has passed since the lawsuit was filed, none of MAW’s applications have been processed, PPL is now dismantling MAW’s network and disconnecting MAW’s customers, and MAW has been unable to fulfill all of the commitments made to its primary customer, the City of Lancaster.

At present, MAW has 76 applications listed as “Pending Admin Review,” 48 applications listed as “In Review,” and 17 applications listed as “Incomplete” in PPL’s online portal. MAW submitted the latest such batch of applications on August 2, 2018, over five months ago. PPL continues to demand that MAW pay disputed third-party contractor charges to perform pre-construction surveys for new construction that average approximately \$200 per pole, which far exceeds the average amount charged by other Pennsylvania electric utilities for pre-attachment survey work. On top of this, PPL refuses to process MAW’s pending pole attachment applications—applications that have been resubmitted to conform with PPL’s online portal

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January 28, 2019

Page 2

requirements—until MAW pays for these outrageous charges, in direct contravention of 47 U.S.C. 224(f) as well as FCC rules and precedent. PPL also continues to require MAW to attach its facilities to the uppermost position in the communications zone even where other open space exists in the communications zone, thereby exponentially increasing MAW's make-ready costs for no good reason.

In continuing to refuse to process MAW's applications, denying MAW to access its attachments to repair and maintain its facilities, insisting upon prohibitively costly make-ready and in dismantling MAW's network, MAW has unlawfully denied access to its poles in violation of 47 U.S.C. 224(f) and FCC rules.

Accordingly, MAW requests that PPL immediately engage in executive-level discussions by no later than next Wednesday, February 6, 2018. If MAW does not hear back within three (3) business days, MAW will move forward and initiate a formal complaint proceeding before the FCC to protect its rights.

Sincerely

DAVIS WRIGHT TREMAINE LLP



Maria Browne